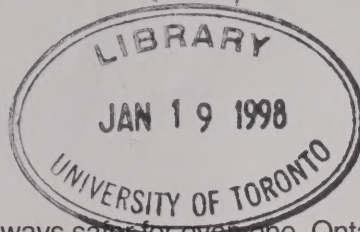


Cracking Down on Drinking Drivers

Ontario's 90-Day Administrative Driver's Licence
Suspension Program



Improving road safety

To make the province's highways safer for everyone, Ontario is cracking down on drinking drivers. Starting November 29, 1996, motorists who blow over the legal limit or refuse an alcohol-breath test will have their driver's licences automatically suspended for 90 days. The new law allows the Ministry of Transportation to take drinking drivers off the road through an administrative driver's licence suspension (ADLS). The fact is, losing their licences right away will make people less likely to drink and drive.

Drinking and driving is a deadly combination, killing almost 350 people a year in Ontario. The most recent studies show that 42 per cent of all drivers killed on our roads had been drinking, making alcohol use the leading factor in fatal crashes.

More than 23,000 drivers are convicted of impaired driving charges every year. Of those, 65 per cent are for repeat offences.

The numbers make it clear that drinking and driving is a serious problem, costing Ontario \$1.3 billion every year. More important than the financial losses is the loss or injury of loved ones.

An effective deterrent

ADLS takes high-risk drivers off the road immediately, improving everyone's safety. Any driver of a motorized vehicle which comes under the province's Highway Traffic Act comes under the new law, including snowmobile operators. Drivers from outside Ontario will also have their Ontario driving privileges taken away for 90 days and their licences will be mailed back to their home jurisdictions.

In other places with similar suspension programs, impaired driving crashes, deaths and injuries have gone down substantially. In Delaware, the number of drinking drivers in fatal crashes went down by 19 per cent. In Iowa, Minnesota and Wisconsin, alcohol-related crashes decreased by up to 25 per cent.

Right now, Manitoba and Nova Scotia have ADLS programs, while British Columbia and Quebec are looking at the idea. Forty American states also have some form of administrative driver's licence suspension.

ADLS laws in Nova Scotia and Manitoba have been challenged in court and were found to be constitutionally valid.

Administrative Driver's Licence Suspension

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How ADLS works

When a driver fails a roadside screening test, or on the judgment of the officer, the driver is taken to a police station for two breath tests by a trained technician. Drivers who refuse to give a breath sample at the roadside are also served an administrative driver's licence suspension.

A police officer will notify the Ministry of Transportation of a failed or refused breath test immediately. After discussing this evidence with the officer, the Registrar of Motor Vehicles will suspend the driver's licence. The police officer, on behalf of the Registrar, gives the driver the notice of suspension and takes away his driver's licence. The whole process takes a matter of minutes and ends with the documents being faxed to the ministry.

The suspension

The administrative driver's licence suspension is issued by the Registrar of Motor Vehicles in the Ministry of Transportation. It starts immediately upon the Registrar's decision and lasts for 90 days. An ADLS takes away driving privileges only and is not a criminal charge. Drinking drivers have to deal with any criminal charges they receive separately in court.

It is against the law to drive without a licence and unlicensed drivers could be charged and fined up to \$5,000 with the possibility of 6 months imprisonment in some cases.

Appealing a suspension

To ensure fairness, anyone who receives an ADLS can appeal it to the Licence Suspension Appeal Board (LSAB).

The Licence Suspension Appeal Board (LSAB) is an independent Ontario tribunal that hears the appeals of suspensions made by the Registrar of Motor Vehicles. Its authority has now been expanded to include ADLS appeals.

Appeal information will be given to the driver at the time of the suspension. Drivers can file an appeal on one of two grounds: mistaken identity or inability to provide a breath sample for medical reasons.

A request for an appeal can be made by the driver, or by someone acting on behalf of the driver. Appeals can be heard in person or in writing, and hearings will be scheduled within days of the request to the LSAB. While waiting for an appeal, the driver's licence will not be returned.

Oral appeals will be heard in Toronto, Hamilton, Oshawa, Brampton, Ottawa, Kingston, Sudbury, Thunder Bay, Orillia, Kitchener, London and Windsor. The decision of the LSAB is final and cannot be appealed to the courts.

If an appeal is successful, arrangements will be made for the return of the licence and the administrative driver's licence suspension will be taken off the driver's record.

For more information

For more information about administrative driver's licence suspensions, call the Driver Improvement Office of the Ontario Ministry of Transportation at:
(416) 235-1086 or
1-800-303-4993